

## **REMARKS**

In the Office Action of August 10, 2007, the drawings were objected to “because none of the boxes in figure 1 are labeled to clearly indicate which element in the device they are representing...” The Office Action has also provided suggested guidelines for the preferred layout for the specification of a utility application. In addition, claim 2 was objected to because “the use of the acronyms TTF and RTF should be accompanied with the words they are representing.” Furthermore, claims 1-16 were rejected under 35 U.S.C. 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1-12 were also rejected under 35 U.S.C. 102(b) as allegedly being anticipated by U.S. Patent Number 5,929,779 (hereinafter “MacLellan et al.”). In addition, claims 13-16 were rejected under 35 U.S.C. 102(b) as allegedly being anticipated by European Patent Application Number EP 0513507 B2 (hereinafter “Iijima”).

With respect to the drawing objection, Applicants respectfully note that there is no requirement that boxes in drawings must be labeled. Since the boxes in Fig. 1 are indicated with reference numbers and described in the specification, Applicants respectfully assert that the submitted drawings are proper. Thus, Applicants respectfully request that the drawing objection be withdrawn.

With respect to the guideline, Applicants appreciate the suggestion to use the guidelines. However, Applicants respectfully decline to adopt these guidelines.

With respect to the objection of claim 2, Applicants have canceled claim 2, and thus, this claim objection is no longer applicable.

With respect to the Section 112, second paragraph, rejections of claims 1-16, Applicants have amended claims 1, 4, 5, 7, 8, 9, 13 and 14 to overcome each cited

issue for these claims. Thus, Applicants respectfully request that the Section 112, second paragraph, rejections of claims 1 and 3-16 be withdrawn.

With respect to the Section 102 rejections of claims 1-16, Applicants have amended the independent claims 1, 8 and 13 to more clearly distinguish the claimed invention from the cited references of MacLellan et al. and Iijima. As amended, Applicants respectfully assert that the independent claims 1, 8 and 13 are not anticipated by the cited references of MacLellan et al. and Iijima, as explained below. In view of the claim amendments and the following remarks, Applicants respectfully request the allowance of pending claims 1 and 3-16.

Applicants have also amended the specification to remove references to specific claims and to correct a minor error (paragraph beginning at page 8, line 9).

#### A. Patentability of Amended Independent Claims 1 and 8

The amended independent claim 1 recites “*wherein, as a function of the recognition result signal, the desired communication mode of the ID communication partner device is activated, the desired communication mode being either a Reader Talks First (RTF) mode or a Tag Talks First (TTF) mode, the ID communication partner device being configured to operate in the RTF mode and the TTF mode,*” which is not disclosed in the cited reference of MacLellan et al. Thus, the amended independent claim 1 is not anticipated by the cited reference of MacLellan et al.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

The cited reference of MacLellan et al. does not disclose a device that is “*configured to operate in the RTF mode and the TTF mode,*” as recited in the amended independent claim 1. The cited reference of MacLellan et al. discloses a

radio frequency identification communication system in which the read/write tags 105-107 of the system respond to inquiry or information from one of the interrogators 103-104 of the system. Thus, the system of MacLellan et al. appears to operate in the Reader Talks First (RTF) mode. There is no description in the cited reference of MacLellan et al. that the system can operate in the Tag Talks First (TTF) mode.

In contrast to the assertion made in the Office Action on page 7 with reference to claim 2, a rapid data transfer mode described in MacLellan et al. is not equivalent to a Reader Talks First (RTF) mode. As described in column 3, lines 21-35, of MacLellan et al. the rapid data transfer mode involves one or more tags responding to an inquiry or information from an interrogator. Thus, the rapid data transfer mode described in MacLellan et al. is not equivalent to the claimed Tag Talks First (TTF) mode. Therefore, the cited reference of MacLellan et al. does not disclose the limitations of “*wherein, as a function of the recognition result signal, the desired communication mode of the ID communication partner device is activated, the desired communication mode being either a Reader Talks First (RTF) mode or a Tag Talks First (TTF) mode, the ID communication partner device being configured to operate in the RTF mode and the TTF mode,*” as recited in the amended independent claim 1. Consequently, the amended independent claim 1 is not anticipated by the cited reference of MacLellan et al. As such, Applicants respectfully request that the amended independent claim 1 be allowed.

The above remarks are also applicable to the amended independent claim 8, which recites similar limitations as those of the amended independent claim 1. Therefore, Applicants respectfully assert that the amended independent claim 8 is also not anticipated by the cited reference of MacLellan et al., and request that this amended independent claim be allowed as well.

#### B. Patentability of Amended Independent Claim 13

The amended independent claim 13 recites “*activation means for activating a desired communication mode of the ID communication partner device from a group of possible communication modes, the desired communication mode being either a*

*Reader Talks First (RTF) mode or a Tag Talks First (TTF) mode, the activation means being configured to switch between the RTF mode and the TTF mode”* which is not disclosed in the cited reference of Iijima. Thus, the amended independent claim 13 is not anticipated by the cited reference of Iijima.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

The cited reference of Iijima. does not disclose an activation means that is “*configured to switch between the RTF mode and the TTF mode,*” as recited in the amended independent claim 13. The cited reference of Iijima discloses a portable electronic device having a function of supporting two or more communication protocols based on priority. However, these communication protocols are not related to Reader Talks First (RTF) and Tag Talks First (TTF) modes. Therefore, the cited reference of Iijima does not disclose the limitations of “*activation means for activating a desired communication mode of the ID communication partner device from a group of possible communication modes, the desired communication mode being either a Reader Talks First (RTF) mode or a Tag Talks First (TTF) mode, the activation means being configured to switch between the RTF mode and the TTF mode,*” as recited in the amended independent claim 13. Consequently, the amended independent claim 13 is not anticipated by the cited reference of Iijima. As such, Applicants respectfully request that the amended independent claim 13 be allowed.

#### C. Patentability of Dependent Claims 3-7, 9-12 and 14-16

Each of the dependent claims 3-7, 9-12 and 14-16 depends on one of the amended independent claims 1, 8 and 13. As such, these dependent claims include all the limitations of their respective base claims. Therefore, Applicants submit that these dependent claims are allowable for at least the same reasons as their respective base claims.

Applicants respectfully request reconsideration of the claims in view of the remarks made herein. A notice of allowance is earnestly solicited.

Respectfully submitted,

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